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08/782,590

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/782,590	01/13/97	ROSE	S 43/24

JOHN Q MCQUILLAN  
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HM22/0816

EXAMINER	
UNGAR, S	
ART UNIT	PAPER NUMBER
1142	

DATE MAILED: 08/16/99

***Below is a communication from the EXAMINER in charge of this application***

**COMMISSIONER OF PATENTS AND TRADEMARKS**

## **ADVISORY ACTION**

THE PERIOD FOR RESPONSE:

a)  is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection

b)  expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed May 25, 1999, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1.  The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- They raise new issues that would require further consideration and/or search. (See Note).
- They raise the issue of new matter. (See Note).
- They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Raise the issue of restatement of 112 and proposed in Paper F110, section 6(k),  
Amendment of claim 71 to recite "involves" provides the scope + requires addn search  
In claim 77 the phrase "to move by diffusion, or convection, flow" is not found in  
amended claim 77 in paper F114 + is not shown as an amendment in Paper F117 but would  
require addn's search and consideration as a new issue as amended claims F114  
2.  Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling  
the non-allowable claims. \_\_\_\_\_, for the same reasons, ~~cancel the~~

2.  Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3.  Upon the filing of an appeal, the proposed amendment  will be entered  will not be entered and the status of the claims will be as follows: *are drawn to new matter, not supported in the application or claims as originally filed*

Claims allowed: None

Claims objected to: 69

Claims allowed: None  
Claims objected to: 69  
Claims rejected: 69-83

Claims rejected: \_\_\_\_\_

However;

Applicant's response has overcome the following rejection(s): Examiner's Rejection of Claims 69 under 35 USC 112, para 2, as drawn to by prior art Paper 10, Section 6(5), 6(6), 6(7), and 6(8), and objection to Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, 25-26, 28-29, 31-32, 34-35, 37-38, 40-41, 43-44, 46-47, 49-50, 52-53, 55-56, 58-59, 61-62, 64-65, 67-68, 70-71, 73-74, 76-77, 79-80, 82-83, 85-86, 88-89, 91-92, 94-95, 97-98, 100-101, 103-104, 106-107, 109-110, 113-114, 116-117, 119-120, 122-123, 125-126, 128-129, 131-132, 134-135, 137-138, 140-141, 143-144, 146-147, 149-150, 152-153, 155-156, 158-159, 161-162, 164-165, 167-168, 170-171, 173-174, 176-177, 179-180, 182-183, 185-186, 188-189, 191-192, 194-195, 197-198, 199-200, 202-203, 205-206, 208-209, 211-212, 214-215, 217-218, 220-221, 223-224, 226-227, 229-230, 232-233, 235-236, 238-239, 241-242, 244-245, 247-248, 250-251, 253-254, 256-257, 259-260, 262-263, 265-266, 268-269, 271-272, 274-275, 277-278, 280-281, 283-284, 286-287, 289-290, 292-293, 295-296, 298-299, 301-302, 304-305, 307-308, 310-311, 313-314, 316-317, 319-320, 322-323, 325-326, 328-329, 331-332, 334-335, 337-338, 340-341, 343-344, 346-347, 349-350, 352-353, 355-356, 358-359, 361-362, 364-365, 367-368, 370-371, 373-374, 376-377, 379-380, 382-383, 385-386, 388-389, 391-392, 394-395, 397-398, 399-400, 402-403, 405-406, 408-409, 411-412, 414-415, 417-418, 420-421, 423-424, 426-427, 429-430, 432-433, 435-436, 438-439, 441-442, 444-445, 447-448, 450-451, 453-454, 456-457, 459-460, 462-463, 465-466, 468-469, 471-472, 474-475, 477-478, 480-481, 483-484, 486-487, 489-490, 492-493, 495-496, 498-499, 501-502, 504-505, 507-508, 510-511, 513-514, 516-517, 519-520, 522-523, 525-526, 528-529, 531-532, 534-535, 537-538, 540-541, 543-544, 546-547, 549-550, 552-553, 555-556, 558-559, 561-562, 564-565, 567-568, 570-571, 573-574, 576-577, 579-580, 582-583, 585-586, 588-589, 591-592, 594-595, 597-598, 599-600, 602-603, 605-606, 608-609, 611-612, 614-615, 617-618, 620-621, 623-624, 626-627, 629-630, 632-633, 635-636, 638-639, 641-642, 644-645, 647-648, 650-651, 653-654, 656-657, 659-660, 662-663, 665-666, 668-669, 671-672, 674-675, 677-678, 680-681, 683-684, 686-687, 689-690, 692-693, 695-696, 698-699, 701-702, 704-705, 707-708, 710-711, 713-714, 716-717, 719-720, 722-723, 725-726, 728-729, 731-732, 734-735, 737-738, 740-741, 743-744, 746-747, 749-750, 752-753, 755-756, 758-759, 761-762, 764-765, 767-768, 770-771, 773-774, 776-777, 779-778, 781-782, 784-785, 787-788, 790-791, 793-794, 796-797, 799-800, 802-803, 805-806, 808-809, 811-812, 814-815, 817-818, 820-821, 823-824, 826-827, 829-828, 831-832, 834-835, 837-838, 840-841, 843-844, 846-847, 849-848, 851-852, 854-855, 857-856, 860-861, 863-864, 866-865, 869-868, 872-873, 875-874, 878-877, 880-881, 883-884, 886-885, 889-888, 891-892, 894-895, 897-896, 899-900, 902-903, 905-906, 908-909, 911-912, 914-915, 917-918, 920-921, 923-924, 926-927, 929-928, 931-932, 934-935, 937-938, 940-941, 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2145-602, 2148-601, 2151-600, 2154-599, 2157-598, 2160-597, 2163-596, 2166-595, 2169-594, 2172-593, 2175-592, 2178-591, 2181-590, 2184-589, 2187-588, 2190-587, 2193-586, 2196-585, 2199-584, 2202-583, 2205-582, 2208-581, 2211-580, 2214-579, 2217-578, 2220-577, 2223-576, 2226-575, 2229-574, 2232-573, 2235-572, 2238-571, 2241-570, 2244-569, 2247-568, 2250-567, 2253-566, 2256-565, 2259-564, 2262-563, 2265-562, 2268-561, 2271-560, 2274-559, 2277-558, 2280-557, 2283-556, 2286-555, 2289-554, 2292-553, 2295-552, 2298-551, 2301-550, 2304-549, 2307-548, 2310-547, 2313-546, 2316-545, 2319-544, 2322-543, 2325-542, 2328-541, 2331-540, 2334-539, 2337-538, 2340-537, 2343-536, 2346-535, 2349-534, 2352-533, 2355-532, 2358-531, 2361-530, 2364-529, 2367-528, 2370-527, 2373-526, 2376-525, 2379-524, 2382-523, 2385-522, 2388-521, 2391-520, 2394-519, 2397-518, 2400-517, 2403-516, 2406-515, 2409-514, 2412-513, 2415-512, 2418-511, 2421-510, 2424-509, 2427-508, 2430-507, 2433-506, 2436-505, 2439-504, 2442-503, 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3344-202, 3347-201, 3350-200, 3353-199, 3356-198, 3359-197, 3362-196, 3365-195, 3368-194, 3371-193, 3374-192, 3377-191, 3380-190, 3383-189, 3386-188, 3389-187, 3392-186, 3395-185, 3398-184, 3401-183, 3404-182, 3407-181, 3410-180, 3413-179, 3416-178, 3419-177, 3422-176, 3425-175, 3428-174, 3431-173, 3434-172, 3437-171, 3440-170, 3443-169, 3446-168, 3449-167, 3452-166, 3455-165, 3458-164, 3461-163, 3464-162, 3467-161, 3470-160, 3473-159, 3476-158, 3479-157, 3482-156, 3485-155, 3488-154, 3491-153, 3494-152, 3497-151, 3500-150, 3503-149, 3506-148, 3509-147, 3512-146, 3515-145, 3518-144, 3521-143, 3524-142, 3527-141, 3530-140, 3533-139, 3536-138, 3539-137, 3542-136, 3545-135, 3548-134, 3551-133, 3554-132, 3557-131, 3560-130, 3563-129, 3566-128, 3569-127, 3572-126, 3575-125, 3578-124, 3581-123, 3584-122, 3587-121, 3590-120, 3593-119, 3596-118, 3599-117, 3602-116, 3605-115, 3608-114, 3611-113, 3614-112, 3617-111, 3620-110, 3623-109, 3626-108, 3629-107, 3632-106, 3635-105, 3638-104, 3641-103, 3644-102, 3647-101, 3650-100, 3653-99, 3656-98, 3659-97, 3662-96, 3665-95, 3668-94, 3671-93, 3674-92, 3677-91, 3680-90, 3683-89, 3686-88, 3689-87, 3692-86, 3695-85, 3698-84, 3701-83, 3704-82, 3707-81, 3710-80, 3713-79, 3716-78, 3719-77, 3722-76, 3725-75, 3728-74, 3731-73, 3734-72, 3737-71, 3740-70, 3743-69, 3746-68, 3749-67, 3752-66, 3755-65, 3758-64, 3761-63, 3764-62, 3767-61, 3770-60, 3773-59, 3776-58, 3779-57, 3782-56, 3785-55, 3788-54, 3791-53, 3794-52, 3797-51, 3800-50,

5.  The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. *§ 3-150*

The proposed drawing correction  has  has not been approved by the examiner.  
 Other \_\_\_\_\_

PAULA R. RUTZEL  
SUPERVISORY PATENT EXAMINER

35 USC 112,  
First paragraph  
to Paper # 3/5,  
Section 11, pages  
9-10